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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MORGAN STANLEY SMITH BARNEY LLC,

Plaintiff,

-against-

JOHN FITZGERALD,

Defendant.

Case No. 1:17-cv-12866

**NOTICE OF
VOLUNTARY
DISMISSAL**

Plaintiff Federal Trade Commission hereby gives notice of its voluntary dismissal without prejudice of Defendant John Fitzgerald, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Defendant Fitzgerald has not filed an answer or motion for summary judgment as of this time.

Respectfully submitted,

s/ Joseph E. Gehring, Jr.
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